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BLAKELY SOKOLOFF TAYLOR & ZAFMAN			LEWIS, MONICA	
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LOS ANGELES, CA 90025-1030			2822	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/013,103	<b>Applicant(s)</b> SESHAN ET AL.	
	<b>Examiner</b> Monica Lewis	<b>Art Unit</b> 2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the request for continued examination filed June 1, 2004.

#### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/1/04 has been entered.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 17-29 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is meant by the following: a) "the first layer, the second layer,

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and the third layer are distinguishable” (See Claim 27). Claims 28 and 29 depend directly or indirectly from a rejected claim and are, therefore, also rejected under 35 U.S.C. 112, second paragraph for the reasons set above.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 17, 19-21, 23 and 25-29, as far as understood, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fujihira et al. (Japanese Patent No. 401220839).

In regards to claim 17 and 25, Fujihira et al. (“Fujihira”) discloses the following:

- a) a substrate (For Example: See Abstract);
- b) an oxide layer (8) formed directly on a surface of the substrate (For Example: See Abstract);
- c) an adhesion layer (11) formed on a surface of said oxide layer (For Example: See Abstract and Figure 2); and
- c) a first passivation layer formed on said adhesion layer, said first passivation layer and said adhesion layer including at least one common chemical element (For Example: See Abstract).

Additionally, Fujihira discloses a silicon oxide layer (8) which is nitrided to form an oxynitride layer (11) (For Example: See Figure 1). Fujihira then discloses that a SiN layer 9 can be formed on the oxynitride layer (For Example: See Figure 2). Note further the Fujihira discloses that the silicon nitride layer adheres well to silicon oxynitride layer (For Example: See

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Abstract). An English language translation of Fujihira has been requested, but is unavailable at this time.

Finally, the following limitation makes it a product by process claim: a) by treating said surface of said oxide layer with a gas; and b) gas includes one of oxygen and nitrogen, oxygen and ammonia, oxygen and argon and ozone and argon. The MPEP § 2113, states, "Even though product -by[-] process claims are limited by and defined by the process, determination of patentability is based upon the product itself. The patentability of a product does not depend on its method of production. If the product in product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product is made by a different process." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985)(citations omitted).

A "*product by process*" claim is directed to the product per se, no matter how actually made, *In re Hirao and Sato et al.*, 190 USPQ 15 at 17 (CCPA 1976) (footnote 3). See also *In re Brown and Saffer*, 173 USPQ 685 (CCPA 1972); *In re Luck and Gainer*, 177 USPQ 523 (CCPA 1973); *In re Fessmann*, 180 USPQ 324 (CCPA 1974); and *In re Marosi et al.*, 218 USPQ 289 (CAFC 1983) final product per se which must be determined in a "*product by, all of*" claim, and not the patentability of the process, and that an old or obvious product, whether claimed in "*product by process*" claims or not. Note that Applicant has the burden of proof in such cases, as the above caselaw makes clear.

In regards to claim 19, Fujihira discloses the following:

a) oxide layer includes silicon dioxide (SiO<sub>2</sub>) (For Example: See Abstract).

In regards to claim 20, Fujihira discloses the following:

- a) adhesion layer includes silicon oxynitride (For Example: See Abstract).

In regards to claim 21, Fujihira discloses the following:

- a) first passivation layer includes silicon nitride ( $\text{Si}_3\text{N}_4$ ) (For Example: See Abstract).

In regards to claims 23 and 26, Fujihira discloses the following:

- a) a silicon dioxide insulating layer (For Example: See Abstract); and
- b) a silicon oxynitride adhesion layer formed on a surface of said silicon dioxide insulating layer (For Example: See Abstract); and
- c) a silicon nitride hard passivation layer formed on directly on a surface of said silicon oxynitride adhesion layer (For Example: See Abstract).

Additionally, Fujihira discloses a silicon oxide layer (8) which is nitrated to form an oxynitride layer (11) (For Example: See Figure 1). Fujihira then discloses that a SiN layer 9 can be formed on the oxynitride layer (For Example: See Figure 2). Note further the Fujihira discloses that the silicon nitride layer adheres well to silicon oxynitride layer (For Example: See Abstract). An English language translation of Fujihira has been requested, but is unavailable at this time.

Finally, the following limitation makes it a product by process claim: a) by treating said surface of said silicon dioxide insulating layer with a gas; and b) gas includes one of oxygen and nitrogen, oxygen and ammonia, oxygen and argon and ozone and argon. The MPEP § 2113, states, "Even though product -by[-] process claims are limited by and defined by the process, determination of patentability is based upon the product itself. The patentability of a product does not depend on its method of production. If the product in product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the

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prior product is made by a different process." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985)(citations omitted).

A "*product by process*" claim is directed to the product per se, no matter how actually made, *In re Hirao and Sato et al.*, 190 USPQ 15 at 17 (CCPA 1976) (footnote 3). See also *In re Brown and Saffer*, 173 USPQ 685 (CCPA 1972); *In re Luck and Gainer*, 177 USPQ 523 (CCPA 1973); *In re Fessmann*, 180 USPQ 324 (CCPA 1974); and *In re Marosi et al.*, 218 USPQ 289 (CAFC 1983) final product per se which must be determined in a "*product by, all of*" claim, and not the patentability of the process, and that an old or obvious product, whether claimed in "*product by process*" claims or not. Note that Applicant has the burden of proof in such cases, as the above caselaw makes clear.

In regards to claim 27, Fujihira discloses the following:

- a) a substrate (For Example: See Abstract);
- b) a composite film formed on the substrate, the composite film comprising: a first layer comprising silicon dioxide, a second layer and a third layer (For Example: See Abstract);
- c) each of the first layer, the second layer, and the third layer are distinguishable, wherein the second layer is disposed between the first layer and the third layer, and wherein the second layer and the third layer comprise one common chemical element (For Example: See Abstract).

Additionally, Fujihira discloses a silicon oxide layer (8) which is nitrided to form an oxynitride layer (11) (For Example: See Figure 1). Fujihira then discloses that a SiN layer 9 can be formed on the oxynitride layer (For Example: See Figure 2). Note further the Fujihira discloses that the silicon nitride layer adheres well to silicon oxynitride layer (For Example: See Abstract). An English language translation of Fujihira has been requested, but is unavailable at this time.

Finally, the following limitation makes it a product by process claim: a) "formed from a modification of a portion." The MPEP § 2113, states, "Even though product -by[-] process claims are limited by and defined by the process, determination of patentability is based upon the product itself. The patentability of a product does not depend on its method of production. If the product in product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product is made by a different process." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985)(citations omitted).

A "product by process" claim is directed to the product per se, no matter how actually made, *In re Hirao and Sato et al.*, 190 USPQ 15 at 17 (CCPA 1976) (footnote 3). See also *In re Brown and Saffer*, 173 USPQ 685 (CCPA 1972); *In re Luck and Gainer*, 177 USPQ 523 (CCPA 1973); *In re Fessmann*, 180 USPQ 324 (CCPA 1974); and *In re Marosi et al.*, 218 USPQ 289 (CAFC 1983) final product per se which must be determined in a "product by, all of" claim, and not the patentability of the process, and that an old or obvious product, whether claimed in "product by process" claims or not. Note that Applicant has the burden of proof in such cases, as the above caselaw makes clear.

In regards to claim 28, Fujihira discloses the following:

a) second layer includes silicon oxynitride (For Example: See Abstract).

In regards to claim 29, Fujihira discloses the following:

a) third layer includes silicon nitride ( $\text{Si}_3\text{N}_4$ ) (For Example: See Abstract).



***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 17, 19-21, 23 and 25-29, as far as understood, are rejected under 35 U.S.C. 103(a) as obvious over Fujihira et al. (Japanese Patent No. 401220839) in view of Peters (U.S. Patent No. 4,543,271).

In regards to claim 17 and 25, Fujihira discloses the following:

- a) a substrate (For Example: See Abstract);
- b) an oxide layer (8) formed directly on a surface of the substrate (For Example: See Abstract); and
- c) an adhesion layer (11) formed on a surface of said oxide layer (For Example: See Abstract and Figure 2).

In regards to claim 17 and 25, Fujihira fails to disclose the following:

- a) a first passivation layer

However, Peters discloses a SiN passivation layer (For Example: See Column 1 Lines 17-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Fujihira to include a SiN layer as disclosed in Peters because it aids in preventing contamination (For Example: See Column 1 Lines 17-27).

Additionally, Fujihira discloses a silicon oxide layer (8) which is nitrided to form an oxynitride layer (11) (For Example: See Figure 1). Note further the Fujihira discloses that the

silicon nitride layer adheres well to silicon oxynitride layer (For Example: See Abstract). An English language translation of Fujihira has been requested, but is unavailable at this time.

Finally, the following limitation makes it a product by process claim: a) by treating said surface of said oxide layer with a gas; and b) gas includes one of oxygen and nitrogen, oxygen and ammonia, oxygen and argon and ozone and argon. The MPEP § 2113, states, "Even though product -by[-] process claims are limited by and defined by the process, determination of patentability is based upon the product itself. The patentability of a product does not depend on its method of production. If the product in product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product is made by a different process." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985)(citations omitted).

A "*product by process*" claim is directed to the product per se, no matter how actually made, *In re Hirao and Sato et al.*, 190 USPQ 15 at 17 (CCPA 1976) (footnote 3). See also *In re Brown and Saffer*, 173 USPQ 685 (CCPA 1972); *In re Luck and Gainer*, 177 USPQ 523 (CCPA 1973); *In re Fessmann*, 180 USPQ 324 (CCPA 1974); and *In re Marosi et al.*, 218 USPQ 289 (CAFC 1983) final product per se which must be determined in a "*product by, all of*" claim, and not the patentability of the process, and that an old or obvious product, whether claimed in "*product by process*" claims or not. Note that Applicant has the burden of proof in such cases, as the above caselaw makes clear.

In regards to claim 19, Fujihira discloses the following:

a) oxide layer includes silicon dioxide (SiO<sub>2</sub>) (For Example: See Abstract).

In regards to claim 20, Fujihira discloses the following:

a) adhesion layer includes silicon oxynitride (For Example: See Abstract).

In regards to claim 21, Fujihira discloses the following:

a) first passivation layer includes silicon nitride ( $\text{Si}_3\text{N}_4$ ) (For Example: See Abstract).

In regards to claims 23 and 26, Fujihira discloses the following:

a) a silicon dioxide insulating layer (For Example: See Abstract); and

b) a silicon oxynitride adhesion layer formed on a surface of said silicon dioxide insulating layer (For Example: See Abstract).

In regards to claim 23 and 26, Fujihira fails to disclose the following:

a) a silicon nitride passivation layer

However, Peters discloses a SiN passivation layer (For Example: See Column 1 Lines 17-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Fujihira to include a SiN layer as disclosed in Peters because it aids in preventing contamination (For Example: See Column 1 Lines 17-27).

Additionally, Fujihira discloses a silicon oxide layer (8) which is nitrified to form an oxynitride layer (11) (For Example: See Figure 1). Note further the Fujihira discloses that the silicon nitride layer adheres well to silicon oxynitride layer (For Example: See Abstract). An English language translation of Fujihira has been requested, but is unavailable at this time.

Finally, the following limitation makes it a product by process claim: a) by treating said surface of said silicon dioxide insulating layer with a gas; and b) gas includes one of oxygen and nitrogen, oxygen and ammonia, oxygen and argon and ozone and argon. The MPEP § 2113, states, "Even though product -by[-] process claims are limited by and defined by the process, determination of patentability is based upon the product itself. The patentability of a product

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does not depend on its method of production. If the product in product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product is made by a different process." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985)(citations omitted).

A "product by process" claim is directed to the product per se, no matter how actually made, *In re Hirao and Sato et al.*, 190 USPQ 15 at 17 (CCPA 1976) (footnote 3). See also *In re Brown and Saffer*, 173 USPQ 685 (CCPA 1972); *In re Luck and Gainer*, 177 USPQ 523 (CCPA 1973); *In re Fessmann*, 180 USPQ 324 (CCPA 1974); and *In re Marosi et al.*, 218 USPQ 289 (CAFC 1983) final product per se which must be determined in a "product by, all of" claim, and not the patentability of the process, and that an old or obvious product, whether claimed in "product by process" claims or not. Note that Applicant has the burden of proof in such cases, as the above caselaw makes clear.

In regards to claim 27, Fujihira discloses the following:

- a) a substrate (For Example: See Abstract);
- b) a composite film formed on the substrate, the composite film comprising: a first layer comprising silicon dioxide and a second layer (For Example: See Abstract);
- c) each of the first layer, the second layer are distinguishable and comprise one common chemical element (For Example: See Abstract).

In regards to claim 27, Fujihira fails to disclose the following:

- a) a third layer

However, Peters discloses a SiN passivation layer (For Example: See Column 1 Lines 17-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Fujihira to include a SiN layer as

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disclosed in Peters because it aids in preventing contamination (For Example: See Column 1 Lines 17-27).

Additionally, Fujihira discloses a silicon oxide layer (8) which is nitrified to form an oxynitride layer (11) (For Example: See Figure 1). Note further the Fujihira discloses that the silicon nitride layer adheres well to silicon oxynitride layer (For Example: See Abstract). An English language translation of Fujihira has been requested, but is unavailable at this time.

Finally, the following limitation makes it a product by process claim: a) by treating said surface of said oxide layer with a gas; and b) gas includes one of oxygen and nitrogen, oxygen and ammonia, oxygen and argon and ozone and argon. The MPEP § 2113, states, "Even though product-by[-] process claims are limited by and defined by the process, determination of patentability is based upon the product itself. The patentability of a product does not depend on its method of production. If the product in product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product is made by a different process." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985)(citations omitted).

A "*product by process*" claim is directed to the product per se, no matter how actually made, *In re Hirao and Sato et al.*, 190 USPQ 15 at 17 (CCPA 1976) (footnote 3). See also *In re Brown and Saffer*, 173 USPQ 685 (CCPA 1972); *In re Luck and Gainer*, 177 USPQ 523 (CCPA 1973); *In re Fessmann*, 180 USPQ 324 (CCPA 1974); and *In re Marosi et al.*, 218 USPQ 289 (CAFC 1983) final product per se which must be determined in a "*product by, all of*" claim, and not the patentability of the process, and that an old or obvious product, whether claimed in "*product by process*" claims or not. Note that Applicant has the burden of proof in such cases, as the above caselaw makes clear.

In regards to claim 28, Fujihira discloses the following:

- a) second layer includes silicon oxynitride (For Example: See Abstract).

In regards to claim 29, Fujihira discloses the following:

- a) third layer includes silicon nitride ( $\text{Si}_3\text{N}_4$ ) (For Example: See Abstract).

Finally, since Fujihira and Peters are both from the same field of endeavor, the purpose disclosed by Peters would have been recognized in the pertinent art of Fujihira.

11. Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as obvious over Fujihira et al. (Japanese Patent No. 401220839) in view of Bryant et al. (U.S. Patent No. 5,698,456).

In regards to claim 18, Fujihira fails to disclose the following:

- a) a second passivation layer formed upon said first passivation layer.

However, Bryant et al. ("Bryant") discloses the use of a second passivation layer formed upon said first passivation layer (For Example: See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Fujihira to include use of a second passivation layer formed upon said first passivation layer as disclosed in Bryant because it aids in protecting the device at all times (For Example: See Column 1 Lines 60-67 and Column 2 Lines 1-34).

In regards to claim 24, Fujihira fails to disclose the following:

- a) photodefinable polyimide soft passivation layer formed on said silicon nitride hard passivation layer.

However, Bryant discloses a polyimide layer (34) formed on silicon nitride (For Example: See Figure 4e). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Fujihira to include a

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polyimide layer as disclosed in Bryant because it aids in protecting the device (For Example: See Column 5 Lines 6 and 7).

Additionally, since Fujihira and Bryant are both from the same field of endeavor, the purpose disclosed by Bryant would have been recognized in the pertinent art of Fujihira.

12. Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as obvious over Fujihira et al. (Japanese Patent No. 401220839) in view of Peters (U.S. Patent No. 4,543,271) and Bryant et al. (U.S. Patent No. 5,698,456).

In regards to claim 18, Fujihira fails to disclose the following:

a) a second passivation layer formed upon said first passivation layer.

However, Bryant discloses the use of a second passivation layer formed upon said first passivation layer (For Example: See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Fujihira to include use of a second passivation layer formed upon said first passivation layer as disclosed in Bryant because it aids in protecting the device at all times (For Example: See Column 1 Lines 60-67 and Column 2 Lines 1-34).

In regards to claim 24, Fujihira fails to disclose the following:

a) photodefinable polyimide soft passivation layer formed on said silicon nitride hard passivation layer.

However, Bryant discloses a polyimide layer (34) formed on silicon nitride (For Example: See Figure 4e). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Fujihira to include a polyimide layer as disclosed in Bryant because it aids in protecting the device (For Example: See Column 5 Lines 6 and 7).

Additionally, since Fujihira and Bryant are both from the same field of endeavor, the purpose disclosed by Bryant would have been recognized in the pertinent art of Fujihira.

13. Claim 22 is rejected under 35 U.S.C. 103(a) as obvious over Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as obvious over Fujihira et al. (Japanese Patent No. 401220839) in view of Bryant et al. (U.S. Patent No. 5,698,456) and Fu et al. (U.S. Patent No. 5,807,787).

In regards to claim 22, Fujihira fails to disclose the following:

a) second passivation layer includes polyimide.

However, Fu et al. ("Fu") discloses a polyimide layer (For Example: See Column 5 Lines 32-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Fujihira to include a polyimide layer as disclosed in Fu because it aids in providing electrical insulation (For Example: See Column 5 Lines 32-40).

Additionally, since Fujihira and Fu are both from the same field of endeavor, the purpose disclosed by Fu would have been recognized in the pertinent art of Fujihira.

14. Claim 22 is rejected under 35 U.S.C. 103(a) as obvious over Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as obvious over Fujihira et al. (Japanese Patent No. 401220839) in view of Peters (U.S. Patent No. 4,543,271), Bryant et al. (U.S. Patent No. 5,698,456) and Fu et al. (U.S. Patent No. 5,807,787).

In regards to claim 22, Fujihira fails to disclose the following:

a) second passivation layer includes polyimide.

However, Fu discloses a polyimide layer (For Example: See Column 5



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Lines 32-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Fujihira to include a polyimide layer as disclosed in Fu because it aids in providing electrical insulation (For Example: See Column 5 Lines 32-40).

Additionally, since Fujihira and Fu are both from the same field of endeavor, the purpose disclosed by Fu would have been recognized in the pertinent art of Fujihira.

***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 571-272-1838.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722 for regular and after final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

ML  
August 19, 2004



**Mary Wilczewski**  
**Primary Examiner**